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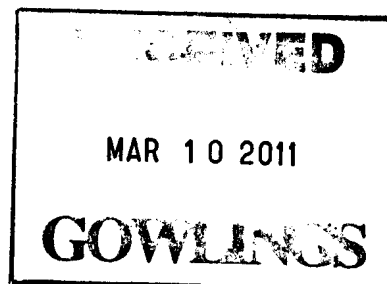
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Application No. : **2,459,334**
Owner : SCIENTIFIC-ATLANTA, INC.
Title : **TELEVISION SERVICE ENHANCEMENTS**
Classification : H04N 21/25 (2011.01)
Your File No. : **L80001805CA**
Examiner : Lambros Pezoulas

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(a) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on October 16, 2009.

The number of claims in this application is 19.

The examiner has identified the following defects in the application:

Reference Re-Applied:

United States Patents

D1: US 6157377[□] December 5, 2000 H04N 7/16 Shah-Nazaroff et al.

[□] citation stemming from the IPER of the corresponding PCT application.

Obviousness

The Applicant's arguments regarding obviousness in the correspondence dated October 16, 2009 with regards to claims 1-19 were considered but were not found persuasive. Thus, claims 1-19 do not comply with section 28.3 of the *Patent Act*. The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which they pertain having regard to D1 and in light of the common general knowledge in the art.

The Applicant argued that "The amended claim set has 3 independent claims, namely claims 1, 13 and 18. All of these claims have as an element that the first software application and the second software application are executed to provide the base functionality in conjunction with the selected enhancement functionality, the first software application invoking the second software application and the second software application providing the enhancement functionality in response to the invocation. At least this feature is neither taught nor 'suggested by D1. In the absence of such teaching or suggestion, the skilled person would not be led to invention taught in the amended claims easily and without difficulty".

However, D1 discloses a digital television system (see column 1, line 16) and all the many functions of that system are controlled by software running on one or more processors. The television system provides not only live television programs, but also games, market information and a chat room service (column 1, line 21). All of those services will be controlled by one or a plurality of software routines, depending on the design of the software. A wide variety of additional media features are made available, for example different resolution video (column 2 at lines 39-52) and some additional information may perhaps be available only in association with one particular "service" - the passage at the foot of column 2, for example, refers to additional video detail, audio quality and the ability to speak in real time to another gamer in the context of games presented on-screen. And all of those functions, and others, will be controlled by a respective one or plurality of software routines. Another example is given at the top of column 3, where one reads of the recording of an image being made available as an additional feature - and this, too, will be controlled by software. Some of the system software will run on a processor at a server, but other parts will run on a processor in the user's set-top box - see, for example, lines 43-56 of column 4 for a reference to de-scrambling of some additional feature (called "upgraded feature") at the client system. Lines 31 -40 of column 6 refer to a video-on-demand service in which the user can select different levels of quality for video and sound. And those functions will be controlled by respective bits of software running on some processor somewhere within the system - just where is a matter of system design. In the passage starting at line 35 of column 7, for example, the system controller 604, which "offers additional value added features to enhance the user's enjoyment" may be a computer system or it may be a set-top box. It may alternatively be part of a "television/display device 602, DVD recorder/playback device 614, or audio/video tuner and amplifier 610" (column 8 at lines 46-49). And one reads at line 40 of column 9 that in one embodiment the system controller 604 is implemented as software routines run by the device 700 of figure 7.

Claims 13 and 18 define similar elements and characteristics as claim 1. Therefore, the reference and arguments applied against claim 1 are also applied against claims 13 and 18.

Claims 2-12, 14-17 and 19 do not disclose any additional elements or characteristics that would distinguish them from the aforementioned reference. Furthermore, any minor differences between the aforementioned cited reference and the aforementioned claims are inconsequential and do not constitute a patentable distinction from the prior art.

Examiner Requisitions

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Under section 34 of the *Patent Rules*, any amendment made in response to this requisition must be accompanied by a statement explaining the nature thereof, and how it corrects each of the above identified defects.

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Patent Examiner
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